

REMARKS

The Restriction Requirement

Pending claims 120-138 are subject to a Restriction Requirement under 35 U.S.C. §§ 121 and 372. The Office states that the pending claims lack unity of invention under PCT Rule 13.1 in view of Stewart et al. (Genomics 36:68-76, 1996; hereinafter "Stewart"), stating that "Stewart et al....teach the human RTEF-1 nucleic acid and polypeptide (e.g., Figure 1)[,]" and thus the claims are "not related to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features" (Office Action, p.

3). The Examiner restricts claims 120-38 into the following eight separate groups:

- I. Claims 120-122 and 132 (in part, as they read on the polypeptide) directed to a method of increasing angiogenesis in a mammal by providing to the mammal a therapeutically effective amount of Related Transcriptional Enhancer Factor-1 (RTEF-1) polypeptide;
- II. Claims 120, 133, and 134 (in part, as it reads on the nucleic acid molecule) directed to a method of increasing angiogenesis in a mammal by providing the mammal with a therapeutically effective amount of RTEF-1 nucleic acid molecule;
- III. Claims 123-125 directed to a method of decreasing angiogenesis in a mammal by administering a therapeutically effective amount of a composition that reduces the expression of activity of RTEF-1;
- IV. Claims 126-129 directed to a method for identifying a candidate compound for modulating angiogenesis in a mammal by measuring RTEF-1 gene expression or activity;
- V. Claims 130-131 directed to a method for identifying a candidate compound for modulating angiogenesis in a mammal by testing the angiogenic activity of the candidate compound;
- VI. Claim 135 (in part, as it reads on the vector) directed to a kit that includes a vector encoding RTEF-1;
- VII. Claim 135 (in part, as it reads on the polypeptide) directed to a kit that includes an RTEF-1 polypeptide;

- VIII. Claims 135 (in part, as it reads on a composition that reduces the levels or activity of RTEF-1) and 136-138 directed to a kit that includes a composition that reduces the levels or activity of RTEF-1.

The Restriction Requirement should be withdrawn for the reasons discussed below.

Request for Reconsideration

Applicants respectfully submit that claims 120-138 should be examined together. The single general inventive concept of claims 120-138 is the modulation of angiogenesis in a mammal (e.g., a human) using agents that modify the expression or activity of Related Transcriptional Enhancer Factor-1 (RTEF-1). Stewart fails to teach or suggest the methods of present claims 120-134, the kit of claim 135, or the composition of claims 136-138.

Stewart describes the identification of the human RTEF-1 nucleic acid and polypeptide sequences (see Fig. 1) and discusses the relationship of RTEF-1 to a related factor, Transcriptional Enhancer Factor-1 (TEF-1), which is involved in the regulation of muscle-specific gene expression. Nowhere does Stewart teach or suggest a role for RTEF-1 in angiogenesis.

Stewart states that abolishing the expression of TEF-1 produced mutant mouse embryos that “displayed an enlarged pericardial cavity, bradycardia, and a dilated fourth ventricle in the brain and died of heart failure between Embryonic Days 11 and 12,” and that RTEF-1 expression “might partially compensate for the lack of TEF-1” (see p. 69, col. 1). Stewart states that “[b]oth mRNAs were abundantly expressed in human skeletal muscle and could also be detected in the heart as well as other tissues in which a function for TEF-1 had not previously been ascribed” (see p. 73, col. 1). Stewart also suggests a role for RTEF-1 in placental gene regulation (see p. 70, col. 2). Stewart fails to teach or suggest any relationship between RTEF-1 and angiogenesis;

only the present inventors made this discovery. For this reason, Stewart does not negate the general inventive concept of claims 120-138. Thus, claims 120-138 are directed to a single invention in accordance with Rules 13.1 and 13.2 PCT, and these claims should be examined together.

CONCLUSION

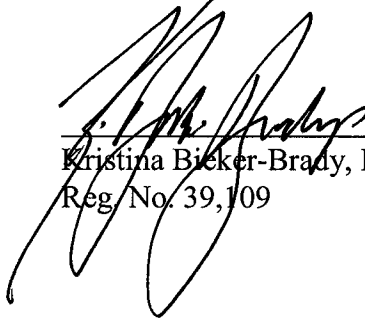
Applicants respectfully request withdrawal of the restriction requirement and examination of claims 120-138 together.

If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date:

August 3 2009.



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